

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 130

May 12, 1998, 6:27 pm
Page S-4704 Temp. Record

UNAUTHORIZED PHONE SERVICE CHANGES (SLAMMING)/Final Passage

SUBJECT: Consumer Anti-Slamming Act of 1998 . . . S. 1618. Final passage, as amended.

ACTION: BILL PASSED, 99-0

SYNOPSIS: As amended and passed, S. 1618, the Consumer Anti-Slamming Act of 1998, will strengthen laws to stop a telecommunications carrier or reseller of telecommunications services from submitting or executing a change in any subscriber's selection of a provider of telephone exchange service or telephone toll service without the consent of that subscriber. Specifically, carriers or resellers: will have to follow certain minimum verification procedures before changing a subscriber's exchange service or toll service; will have to keep an oral, written, or electronic record of a subscriber authorizing a change in his or her exchange service or toll service; will have to send a written notification to a subscriber within 15 days of a change in his or her exchange service or toll service; and, if it fails to resolve a consumer complaint about a switch in phone services in 120 days (the Federal Communications Commission (FCC) may set a shorter timeframe), will have to provide that consumer information on filing an FCC complaint and will have to give that consumer any evidence it has that authorized that change. The FCC will adopt expedited, simple procedures for resolving such complaints. Minimum damages of \$500 may be awarded, and damages up to 3 times actual damages may be awarded. Unless there are mitigating circumstances, the minimum penalty for an unauthorized switching of telephone companies will be \$40,000 for a first offense and \$150,000 for each subsequent offense. States will have a right-of-action to bring civil actions on behalf of their citizens under this law. A report will be prepared on the 10 carriers that over the last year had the highest number of slamming complaints relative to the number of subscribers served. A report will be prepared on telemarketing practices for telephone exchange services and toll services.

Those favoring final passage contended:

Telephone deregulation has brought great benefits for consumers. Since the dismantling of AT&T, 500 new long-distance phone

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (1)	
Republican (55 or 100%)		Democrats (44 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (1)
Abraham	Hutchinson	Akaka	Johnson				Biden- ²
Allard	Hutchison	Baucus	Kennedy				
Ashcroft	Inhofe	Bingaman	Kerrey				
Bennett	Jeffords	Boxer	Kerry				
Bond	Kempthorne	Breaux	Kohl				
Brownback	Kyl	Bryan	Landrieu				
Burns	Lott	Bumpers	Lautenberg				
Campbell	Lugar	Byrd	Leahy				
Chafee	Mack	Cleland	Levin				
Coats	McCain	Conrad	Lieberman				
Cochran	McConnell	Daschle	Mikulski				
Collins	Murkowski	Dodd	Moseley-Braun				
Coverdell	Nickles	Dorgan	Moynihan				
Craig	Roberts	Durbin	Murray				
D'Amato	Roth	Feingold	Reed				
DeWine	Santorum	Feinstein	Reid				
Domenici	Sessions	Ford	Robb				
Enzi	Shelby	Glenn	Rockefeller				
Faircloth	Smith, Bob	Graham	Sarbanes				
Frist	Smith, Gordon	Harkin	Torricelli				
Gorton	Snowe	Hollings	Wellstone				
Gramm	Specter	Inouye	Wyden				
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						
Helms							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

companies have sprung up and long-distance phone rates have dropped by 60 percent. Unfortunately, some of those new companies engage in the illegal practice called "slamming," which is the switching of a consumer to their services without the permission of that consumer. In 1997 the FCC received 44,000 complaints of slamming. That number just represents the tip of the iceberg; AT&T estimates that 500,000 of its 80 million customers were slammed last year. Though that number still represents only a small fraction of the 50 million changes that consumers made last year, it is still unacceptable. These companies that are switching people without their permission, often to inferior and more expensive services, are guilty of theft. The FCC is having a hard time keeping up with the problem; this bill will put in place procedures that will greatly help end this illegal practice. We are pleased to vote in favor of final passage.

No arguments were expressed in opposition to final passage.